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The Challenge of Civil-Military Operations

By JOHN J. TUOZZOLO

Hostilities in Bosnia-Herzegovina officially ended in December 1995 with the signing in Paris of the Dayton peace accords, which had been reached a month earlier. It was hoped that with this agreement not only would 60,000 members of IFOR arrive but also that peace would bring a chance for a once advanced society to regain its prominence. However, not long after its arrival IFOR learned that there are substantive differences between peace-keeping and peace implementation. This article focuses on two civilian functions that required substantial military attention and resulted in a textbook case of civil-military cooperation.

To achieve peaceful coexistence several prerequisites were identified by the framers of the Dayton agreement. Establishing a viable central government along with its various elements was crucial. Also implicit was the need for a functioning legal system as well as elections which were mandated to take place within nine months of the agreement or no later than September 14, 1996.

Success depended on cooperation among parties who agreed on very little, not only in the previous four years but throughout their history. IFOR was quickly confronted by this reality, which resulted in a civil-military challenge of epic proportions. Deep-seated ethnic feelings reflected a sharply divided population. During World War II, the Croatians had aligned themselves with Germany while the Serbs had fought with the Soviet Union, compounding an already difficult situation.

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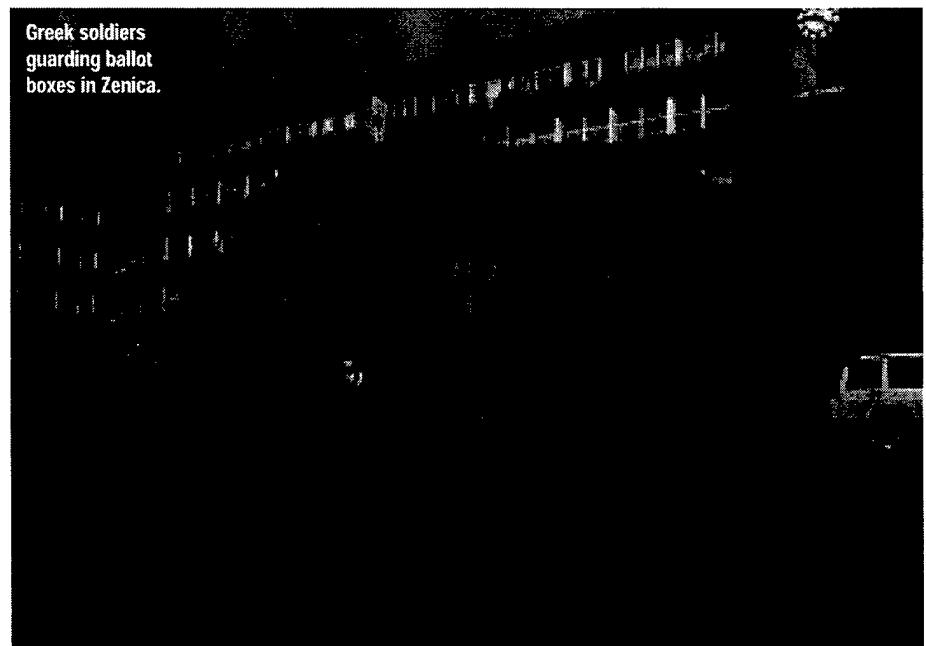
The Legacy of Tito

Internal tensions were, however, substantially kept in check after 1945 by the rise to power of Josip Broz Tito. Despite the controversial role of Yugoslavia behind the Iron Curtain, the country and its people prospered under Tito's dictatorship. In fact, under his special brand of communism, citizens were well educated and allowed to enjoy many of the benefits of their labors. Achieving worldwide fame, Sarajevo hosted the winter olympic games in the mid-1980s, although its world-class ice rink is in near ruin and has served as home to British forces.

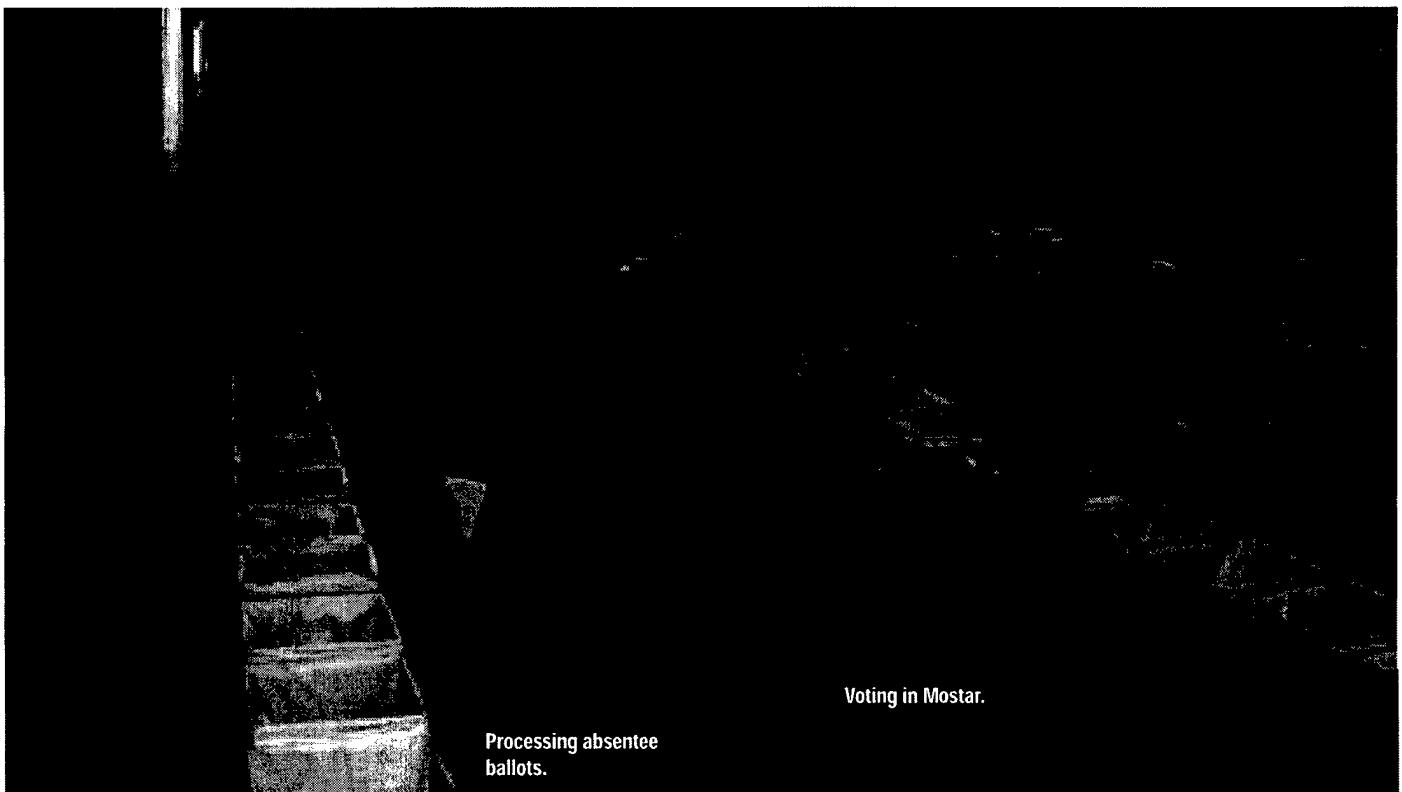
After Tito's death no one could keep the various factions together. The republics began breaking away from the central government, resulting in new nations such as Slovenia, Serbia, and Croatia which were for the most

part ethnically homogeneous. The geographic area now known as Bosnia-Herzegovina remained a diverse society populated by Muslims (who prefer to be called Bosniacs), Croats, and Serbs. The ingrained beliefs, prejudices, mistrust, and ambitions of these various peoples inevitably led to four years of bloody conflict.

To say that the war took its toll on Bosnian institutions presents only one side of the story. Nearly all government functions and activities ceased except waging war. The impact was very different depending on one's ethnic identity and where one lived. However, the necessities of life were lacking throughout the land. In short, if it was not for the hundreds of NGOs from around the world and millions of dollars in donations which they distributed, the people of Bosnia might have perished by the thousands.



1st Combat Camera Squadron (Andy Dunaway)



Processing absentee ballots.

Voting in Mostar.

IFOR thus faced a situation somewhat reminiscent of World War II but without a mandate to govern or restore essential services. The peace agreement and other accords assigned nation-building to civil agencies. For instance, OHR would reactivate the civil infrastructure and joint civilian commissions dealt with communications, transport, and economic development. Elections, however, were relegated to the warring parties, international agencies, and OSCE.

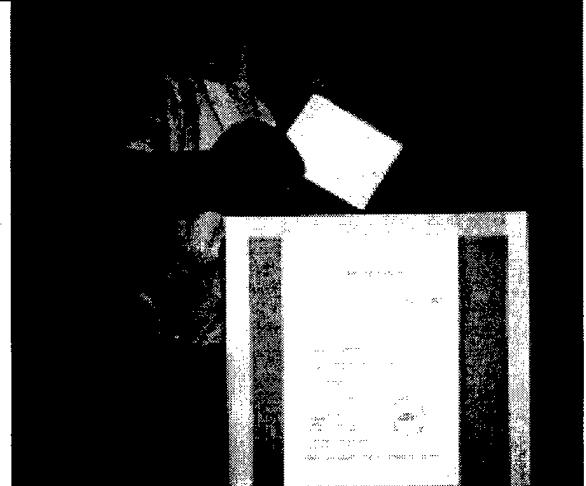
The Military Role

Stabilizing the situation, separating and disarming the various parties, and providing limited assistance, adequate security, and freedom of movement for all civilians as well as NGOs charged with effecting the peace was left to the military. That mission would develop into one of the most extensive civil-military operations in U.S. and NATO history. Furthermore, despite the concern over excessive IFOR involvement ("mission creep") and the effort to limit the military role

to the letter of the agreement, the civilian implementation of the peace mandate could not be accomplished without active participation by the military in civilian support organizations.

An unforeseen and lesser known concern was the judicial system. After four years of war and the physical separation of the factions it was in dire need of rejuvenation. Over two-thirds of the judicial positions were vacant, statutes were difficult if not impossible to locate, and legal texts were nearly nonexistent. Despite this state of affairs, neither the agreement nor the various NGOs envisioned helping this critical institution. CA personnel were the first to identify this problem and immediately render assistance using their civilian expertise.

If the judicial system was sick, the electoral process was comatose. The last country-wide election had been held in 1991. There were no election



Combat Camera Imagery (Marvence D. Braswell)

laws to which all parties could agree and no voter registration lists. OSCE was overwhelmed by the task of registering 3.5 million voters in Bosnia and 20 other countries. Virtually every phase of the process required support. Again, CA personnel proved valuable for this NGO, which is not to say that the military provided unusual services or that the judicial and electoral systems were driven by individuals in uniform. Rather, this mission had become

a cooperative civil-military engagement instead of a traditional exercise.

The Judicial System

During the Tito regime Yugoslavia had a functioning judiciary, albeit under communism. It had both criminal and civil courts and an appellate process. There was criminal and civil procedure as well as a criminal code, civil laws, and precedent. Also, consistent with a functioning judicial system, courts on all levels had geographic jurisdictional control and authority. They were active with a compliment of judges who tended to reflect the ethnic make-up of the general population.

With war, the ethnic balance of the judiciary favored the faction which controlled the area. A noted exception was the Federation minister of justice, a Bosnian Croat. Moreover, throughout the conflict it became increasingly difficult to keep the judicial system going. Several by-products of the war caused its near total collapse. Foremost was the fighting and destruction. For example, the high appellate court building in Sarajevo was a frequent target of Bosnian Serb shells from the surrounding hillsides. Even in the uncontested areas the lack of resources became severe. In addition, some jurisdictional disputes crossed the confrontation lines. How could a Bosniac judge expect a decree enforceable in a Serbian held area to be acted upon?

Although the chief of CIMIC was named in January 1996, the peace agreement was silent on the judicial system. There were no civilian or military commissions to assess or revitalize this system. Failing to plan for an integrated judicial system became critical when the Bosniacs arrested and sought to prosecute a noted Bosnian Serb general and his assistant who were alleged to be war criminals but who had not been charged by the International Criminal Tribunal.

The CIMIC staff included attorneys who identified problems in the judicial system and made several recommendations. The first was holding a meeting between the ministers of justice, one Croat and the other Serb, who had not spoken in over four years. But before the contact could even be

made, a quick assessment of the system and its needs had to be performed. This included conferences with prosecutors, judges, and officials, which exposed the gravity of the problem.

In January 1996 the judicial system was at best on life support. Neither faction could claim more than one-third of the judges, but both stated that the lack of a full compliment of judges was not the problem. A shortage of law texts and equipment, usually computers, was of great concern as was the geographic jurisdictional problem of crossing the confrontation lines. These lines were sanctioned, and in some cases actually changed, by the peace agreement. Obviously case loads needed to be reviewed and cases transferred to the proper jurisdiction when appropriate.

This last problem presented an ideal nonconfrontational area of discussion. An agenda was agreed to after several preliminary meetings between the CIMIC lawyers and ministerial staffs. In March 1996 the two ministers and their chief assistants met in the Bosnian Serb capital of Pale in a long although cordial session. The ministers even caucused alone after the formal discussion. This historic meeting was followed by a second, again organized and orchestrated by CIMIC personnel.

It was also proposed to the U.S. Agency for International Development (USAID) that a full assessment of the judicial system be made. CIMIC outlined the criteria for the assessment as well as intended products. This was an extensive undertaking with a view toward future assistance from USAID and other NGOs. Obviously this effort would involve some nontraditional roles for the military. The project was endorsed by USAID and completed under the CIMIC staff.

Electoral Politics

The Dayton accords mandated that the election would take place within nine months of the agreement, an energetic goal for any emerging nation. In a country where the ruling factions rarely agree on anything, however, these accords further complicated

the mandate by creating a bifurcated administrative system for the election. While OSCE was given the task of conducting the election, the agreement also set up the Provisional Election Commission (PEC) composed of representatives from each of the three warring factions and four international representatives to govern the process.

It is important to recognize several points regarding the electoral process. The last national election had been held in 1991. Since virtually everything changed after that date the purveyors of peace faced the following considerations:

- the central government was powerless
- there was no agreed upon election law, hence PEC had to fashion rules and regulations
- no voter registration data existed
- Dayton prescribed that the 1991 census serve as the base voter registration document
- of the 3.5 million voters, over 1.5 million had relocated according to U.N. estimates
- over 20 foreign countries housed refugee voters totalling approximately 750,000
- of 7,000-plus polling places used in 1991 many no longer existed
- freedom of movement was greatly restricted by the parties
- transportation throughout the country was badly damaged by the war
- telecommunications across the confrontation lines was limited to satellite
- parties often insisted that information be published in their own languages
- division lines between factions were not always practical and agreement had to be reached on exchanges of territory
- controlling political parties in given areas often were hostile to the democratic process
- logistical support to the OSCE mission was limited to one small Swiss military unit.

It was under these conditions that OSCE was asked to administer an election within nine months. The organization was understaffed and inadequately supplied in mid-February 1996. This is not to suggest that OSCE was incapable of conducting an election. Rather, it is indicative of the speed with which things had to occur and of problems in creating a new mission and acquiring workers from OSCE

member states. In fact, the mission included not only its headquarters in Sarajevo but also field offices and regional centers. Therefore OSCE had to open 32 offices in nine months and be prepared for an election no later than September 14, 1996.

By the end of January 1996 IFOR was established and had nearly completed the major task of its mission: separating the parties and ending hostilities. Freedom of movement, however, was another issue as was transferring authority over territory from one faction to another. There was thus a return to normalcy in each region. However, while the military could move about without fear, that was not necessarily the case for civilians or members of NGOs such as OSCE. Crossing various confrontation lines was perilous. In fact, by May 1996 the Bosnian Serb representative to PEC was still insisting on a military escort to attend meetings in Sarajevo. This was in part out of a concern for safety and in part to make a statement about the pre-election environment. OSCE, recognizing that total freedom of movement had not been achieved and not wishing to disrupt these meetings, reluctantly asked the Italian units in IFOR to continue their escort services.

In addition, each faction had its own rules on forming and regulating political parties but the agreement wiped the slate clean and passed this issue to PEC. The only major condition set out in the agreement was the prohibition against indicted war criminals or individuals who would not submit to the jurisdiction of the war crimes tribunal. While such people could not stand as candidates, they remained party leaders for several months, which was a critical problem since the Bosnian Serb leader fell into this category.

Voter Registration

The greatest hinderance, however, was the issue of where (in what municipality) individual votes would be applied. At least 1.5 million voters had relocated. Obviously they were fleeing the conflict. Some went to foreign countries while others moved to areas controlled by soldiers of their own ethnic background. The agreement contained a general rule that individuals



IPTF and SFOR members near Kvezivici.

55th Signal Company, Combat Camera (Angel Clemens)

would vote where they lived in 1991. While exceptions were allowed, they were not concisely outlined. PEC therefore had to decide whether individuals could vote in and for the area in which they currently resided. If viewed from the Western democratic standpoint, it would seem that voting where one resides would be proper, thereby disavowing the Dayton approach requiring the vote to be counted where one previously lived. Implicit in this discussion was the idea that allowing people to vote where they resided was tantamount to sanctioning ethnic cleansing, as citizens tended to relocate in ethnically homogeneous areas. What evolved under PEC was a complicated mixture of the general rule and exceptions made in favor of voters deciding where they wished to have their ballots apply. These rules were complex and took detailed explanation for even astute party leaders to grasp.

It then fell to OSCE not only to publish these rules but also to explain them to registration officials and voters and incorporate them into the registration process. What these rules required, therefore, was that all registration sites have complete lists of the 1991 census and forms to allow individuals to register, decide where their ballots were to be counted, and if appropriate obtain absentee ballots. Governance in Bosnia is rather different from the American model. Municipal authority is stronger than in the United States where each succeeding level of government—local, state, Federal—is more powerful. In Bosnia, however, these levels are somewhat the reverse in their relationship to people and their daily lives. Furthermore, political parties exercise much more control in the municipal governments than do local entities in our country.

There also was the matter of voter registration. As mentioned previously, each registration site was to receive a full 1991 census list. For technical reasons, producing that list in a short time became monumental. While this list

was stored in a computer, the census forms had been scanned using 1990s technology. Thus the information suffered many inaccuracies. Furthermore, the task of indexing individuals was burdensome because voters were entered by street in the same order that census takers moved from one house to another. A massive administrative and logistical problem resulted that OSCE could not have been prepared to meet. The printed registration books comprised more than 50 small volumes per set which had to be distributed throughout the country together with millions of registration forms. However, no commercial printer in Bosnia or elsewhere in Europe could produce them by the projected date for commencing voter registration.

Cooperative Effort

Fortunately, IFOR became actively engaged with OSCE. Through CIMIC, which had been working with OSCE since February 1996, arrangements were made for printing the voter list, transportation to Sarajevo, and distribution of the census sets, as well as registration and absentee ballot request forms. It was a cooperative effort between IFOR and OSCE. To grasp the magnitude of what was happening, one must envision a voting list that weighed over a hundred pounds and that required distribution to over a hundred municipalities and several foreign countries. Larger municipalities received several sets of these voting lists and the appropriate number of forms, all in preparation for registration day.

With no printers available, no reliable commercial truckers with the capacity to deliver, and a partially destroyed highway system, it is not difficult to understand what would have happened if IFOR had not participated at this phase of the election process. Within this context, the military role had changed from studied distance to helpful engagement. OSCE was offered military help in election planning and logistic support. CA officers in CIMIC became active members of regional center staffs and OSCE headquarters.

Given the available time and area in which IFOR and OSCE operated, it was inevitable that mutual assistance would be offered and received. Their missions were mutually dependent. Successful elections seemed to equate with a withdrawal of forces. By June 1996, with less than three and a half months to go and with party enrollment underway and voter registration starting, logistical needs were increasing. The staffs of both OSCE and IFOR met to analyze and plan for various eventualities.

These are just a few examples of the preparatory assistance IFOR rendered to OSCE. The campaign and voting presented challenges for the election process including freedom of movement. In addition, there was a lack of communication both during the campaign and on election day. There were no telephone land lines across the confrontation lines. One could not call from Sarajevo to Pale, just 20 miles, using traditional phone lines since the call would cross the border into Bosnian Serb territory. The only way to communicate was via satellite. This potential problem concerned OSCE and IFOR with particular reference to attempted disruptions of campaign events or election day voting.

Another important aspect of the electoral process in which IFOR became actively engaged was education. By June 1996 there were no country-wide radio or television stations. Indeed, Bosnian Serbs used NATO bombing of their television transmitters as an excuse for their inability to reach the electorate. Accordingly, one can understand how IFOR became involved in producing, distributing, and broadcasting educational material.

With each day OSCE became stronger in its ability to administratively hold an election. On the national level the election proceeded on time without disruption. However, its political nature took on greater significance and ultimately caused postponement of municipal elections. Despite this setback, military personnel were

more engaged in this traditionally civilian process than was envisioned by either the peace accords or IFOR.

Reconstructing and rejuvenating a war-torn country is no simple task. Successful elections on the national and municipal levels are steps toward stabilization. So, too, is a functioning judicial system. In both areas the skill of civil affairs soldiers made an important contribution to peace. The military role in this process was aptly termed Joint Endeavor. Within a short time of their arrival, NATO and other forces became part of a combined civil-military endeavor. In the final analysis, however, peace will only be secured through cooperation by the world community, military forces, and the people of Bosnia-Herzegovina. **JFQ**

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